BALTIMORE DISTRICT

DREDGED MATERIAL MANAGEMENT PLAN

PUBLIC SCOPING MEETING

Hearing in the above-captioned matter was taken on Wednesday, June 12, 2002, at Queen Anne's County Library, Kent Island Branch, 200 Library Circle, Stevensville, Maryland, commencing at 7:00 p.m. before Carol T. Lucic, Notary Public.

REPORTED BY: Carol T. Lucic

PRESENT:

Daniel Bierly
Steve Kopecky
Scott Johnson
Michele Bistany
Mallecia Hood
Bruce Eistenstein
Mark Mendelsohn
US Army Corps of Engineers
Glenn Johnson
Judy Hackett
Deb Volkmer
Weston Solutions, Inc.

MR. BIERLY: If everyone will take a seat, we'll go ahead and get started. I would like to point out first of all that we do have a court reporter who is taking dictation, and also that mike over there and this mike over here are recording, so everything will be taken down. If anyone does get up and make a comment at some

point during the evening, if you would just give your name, I would appreciate it. Also if you would like to make a comment on the record, but not in front of everyone else, you can come up and see the court reporter afterwards, and she will dictate what you have to say. She's not a Corps employee, so if you ask her questions, she's going to say I don't know. If you say something offensive, she doesn't care. Actually I think that's an important point. She's not an employee of ours.

Also there are comment cards out on the table out there. If you filled any of those out, you can also drop those off or you can hand

them to anyone standing around the room who does work for the Corps.

My name is Dan Bierly, as you can see up there. Yes, that is actually my phone number, but I didn't make the slide, so I'm not sure I have would put it there. I would like the other Corps folks around the room here to just maybe go ahead and say who you are and what you do.

MR. KOPECKY: I'm Steve Kopecky. I'm the project manager of the Hart-Miller Island south cell restoration. There are posters out there, so if you have questions afterwards, come and

talk to me.

MR. JOHNSON: Scott Johnson. I'm the program manager for the Port of Baltimore and the project manager for Poplar Island.

MS. BISTANY: Michele Bistany. I'm a biologist and study team leader from the planning division of the Baltimore office.

MR. MENDELSOHN: Mark Mendelsohn.

MS. HOOD: Mallecia Hood.

MR. EISTENSTEIN: Bruce Eistentein, planning division.

MR. BIERLY: I'm also in the planning division. I'm the -- here is the government title -- team leader for the Baltimore section planning division.

Let's go ahead and get started here. Dredged material management plan. I will probably be calling that DMMP most of the evening. Why are we here? There are really two purposes. One is to educate and one is to listen. We want your input into what we're going to be doing over the next couple of years, and I'm here to explain exactly what it is we will be doing.

We are conducting a dredged material management plan. It is not officially started. It will start in September. That's our target.

It will take two years from then. But we are scoping, in other words, we're doing what we call a plan of study, how will we conduct this

plan, and that's what we're working on right now, and that's what we want your input into. I'll talk a little bit more about your input later.

Also I want to go over just some information that you need to know about the Port of Baltimore dredging to keep the port viable and what we, the Corps, do as far as that's concerned, and therefore what are the issues that we encounter and what we are trying to do. So that's all a little cryptic for right now, but hopefully that will become clearer as we move on.

Again public comments. What do we want? We want your comments and concerns because we want a study that when we come out with the results makes sense, responds to the desires of the folks who we're serving, and also -- I'll talk much more about this later -- when there is a federal action -- the Corps of Engineers is, of course, a federal agency -- when there is a

federal action, we need to go through the NEPA, National Environmental Policy Act process, and the process states right there in the law that you must consider public comment, and it's just a good idea.

So right now, like I say, we're scoping this study, and we want your comments as to what we should consider, what you would like to see us do, and just any other comments you might have. We're also here to answer questions about the process that you may have. As I said before, you can give verbal comments here. You can give us a call. That's not a problem. You can provide written comments on those comment cards. You can hand them in tonight, you can take them home and mail them back, whatever you want to do.

It says here all comments needed by July 19. Let me clarify that. That is all comments related to the scope of work for this study. If you have comments related to the study as we go

along for the next two years, you are more than welcome to give us those comments. There is no end to when anybody can have input into our process, but once our process does get rolling and we're going along the type of comments we're going to get tonight will no longer be relevant.

So what is the goal of this? I don't like to read slides verbatim, but I am going to read this one. To develop a plan to maintain in an economically and environmentally sound manner channels necessary for navigation in the Port of Baltimore, conduct dredged material disposal in the most environmentally sound manner, and maximize the use of dredged material as a beneficial resource. It's a lot of words, but they're fairly well thought out. Let me try to give it to you a different way.

The Corps for years, a couple hundred probably, have had the mission to maintain safe, efficient navigation in navigable waters of the United States. We also have a new mission, and

by "new" I don't mean last Tuesday; I mean for some time now, but it is a much newer mission of environmental restoration, and so we're coming about this issue of dredged material and what

you do with dredged material from two angles.

One is from the safe and efficient navigation angle; we must keep these channels open, and the other is from the point of view that we are stewards of the Chesapeake Bay and the surrounding area. We want to maintain the environmental integrity of the bay and improve it wherever possible. So where do you strike the balance? That's what this is really all about.

MR. SOSSI: Dick Sossi. On the slide it says in the Port of Baltimore. Should that be to the Port of Baltimore?

MR. BIERLY: The Port of Baltimore is considered the entire system, so it's all the channels that service the Port of Baltimore. That's a good question. Baltimore Harbor would

be sort of the proper area where the commerce is. The Port of Baltimore is the entire system.

So recently we came out with, "we" being the Corps, environmental operating principles which actually lists out the Corps shall do this, and basically it spells out in black and white what we have been doing for years, but I'm glad it's finally out there for the public. There is a single facts sheet that summarizes

this. We did bring copies in the back, so I encourage you to pick one of those up and read through it because it nails down the environmental considerations that we use during our study process.

So a little more about the port itself. This is a map of what you consider the entire system. We have 50 foot channels from the Atlantic Ocean through the southern tip of Virginia's eastern shore up through the Port of Baltimore, Baltimore Harbor, and then, of course, we have the 35 foot channels that go in

the other direction toward Delaware Bay through the C & D Canal.

So here is the Port of Baltimore proper, and it shows some of the larger terminals that are in there. I'm trying to think. That is state and federal channels on that, and I'll get into the difference a little bit later. Over on the right-hand side, that's a blowup of the channels north of the Bay Bridge, which show 50 foot deep channels that go into Baltimore, and the 35 foot channels off to the right towards the C & D Canal, and we have copies of these back there also.

The channels I showed you are part of the federal navigation system. Some of the smaller

branch channels in the Inner Harbor are state channels, which are slightly different, but we are responsible for dredging the federal channels. All of these channels put together for the system require approximately 4-1/2 million cubic yards of dredging annually. That

doesn't include any potential new work that's out there. This is just to maintain the system as it is.

The second bullet, we could talk for hours about the whole cost sharing formulation, but the point here is that the Corps of the Federal Government pays the lion's share of this, potentially 100% of maintaining the channels. The federal channels in the Inner Habor area are in fact 100% paid by the Federal Government, and even the channels out in the bay, the material that goes to Poplar Island, I don't know exactly what the percentage is there, but we're probably paying 80% of the cost of the dredging plus the placement at Poplar, approximately 80%.

MR. GILL: Who is paying for this study?

MR. BIERLY: This study is 100% funded by the Federal Government. That's an important point, very important point. This is purely a federal study. This is a study that we are

conducting because we have a responsibility to

maintain channels.

The final bullet, Water Resources Development Act, this is a bill passed by Congress signed by the President every two years typically on an even year. It's a law that was passed -- let me start again. Historically the placement sites themselves were a state responsibility. Hart-Miller Island, for example, was constructed by the State of Maryland, but in 1996 we got the authority, the mandate, however you want to state it, that now placement sites can be cost shared. In other words, the Federal Government can participate in the cost of constructing these sites. Once again this refers back to this whole cost sharing thing. I won't go too far into that right now, but it's another aspect of this whole cost sharing, which is very important.

So 4-1/2 million yards. Where does it come from? This is a breakdown. Obviously year to year these numbers change a little bit, but

these are pretty decent averages over the course of several years. We have a lot of data on this over the years. Every time we dredge we know what we dredged, and so we went back in history and pulled this up, and this is what we find.

About a half million yards come out of Virginia waters. We have two channels down there. The main approach channels to the port, a little over 1 million yards. We've got some nonfederal material in there. That would be the state channels.

The private terminal channels, isn't that about 300,000?

MR. JOHNSON: Approximately.

MR. BIERLY: So if a terminal owner needs to dredge a channel, an access channel from his berth out to the federal channel, they, of course, have to pay for that, but that's material that's generated that needs to be accounted for.

Over here, southern approaches. That's to

the C & D Canal. It says Philadelphia because

the Philadelphia District Corps of Engineers actually maintains the C & D Canal, not Baltimore.

I want to highlight the Patapsco River and Inner Harbor. That's 500,000 yards per year. That's important to mention separately because -- I should have pointed it out on an earlier slide -- there is a line, an imaginary line drawn between North Point, Rock Point in the Patapsco River.

If the material is dredged from inside that line toward Baltimore City, that material is legally considered contaminated. Whether it is or not, it's legally considered contaminated and it must be placed in a contained facility, whereas material that comes from outside of the bay can be used for beneficial uses. We can make wetlands out of it like we're doing at Poplar Island and we can do other things. So they need to be considered separately.

So where is this material currently going? This, unfortunately, is pretty hard to read. The southernmost, that's Poplar Island. We've got a nice display back there on that. That's Scott's baby, and he can answer all your questions if you have any on Poplar Island.

That's a beneficial use of dredged material. We're creating upland habitat. We're creating wetland habitat, about 1,100 acres. That one came on line just a few years ago, and that's our primary placement site right out now for outer harbor clean, if you will, material.

The next one up is Cox Creek that's shown on some of these larger maps over there. That is within the Patapsco. It's a contained facility, and that will receive when it's open -- it's not quite yet open; it will be open in about a year, year and a half -- that will receive the maintenance material from the Inner Harbor, that material that by law is considered contaminated.

Hart-Miller Island, which I guess it's supposed to be green if you could actually see it there, that facility can take Inner Harbor or outer harbor material, and it has been used since 1984. There is about off the top of my head I think 60 million yards. So there is much less than that left, of course. That's since 1984, and it will remain open until the year 2009, at which point in time it will be capped with outer bay clean material, and that facility will close down.

Further up -- and you can barely see it --

is Pooles Island. That is a site that is used by the Philadelphia District for the C & D approach channels. It's open water, and that is also going to be shut down in the near future.

So what can you do with dredged material? Well, there are a lot of things you can do. You can build an island. You can create habitat. It can be island habitat; it can be other kinds of habitat. You can place it upland. Some

examples of this, island restoration, Hart-Miller Island, for example; habitat restoration, Poplar Island, for example; upland placement, Cox Creek, for example. You can place material against a shoreline. In areas where unfortunately we don't have this luxury, but in some ports where they're dredging really nice sandy material, if it's clean enough, you can put it up on the beach. Also shoreline, you could create a nice marsh right along the shoreline, take some material that way. You can do some nice projects there.

Ocean placement, that's done in Norfolk. They take material out to the ocean. There is a large dump site, if you will, out there. Open water placement, such as happening to Pooles Island now where you just find what is an

appropriate place, and then you place the material there.

Wetland thin layering, there is a picture of that in the back. This is an interesting

concept where you take the material, you slurry it, and then you spray it in a fine mist. How fine can it get really, but you end up placing a pretty small amount of material right on top of a marsh, and actually it helps the marsh. Especially as we've got on the Eastern Shore, for example, where you have the marshes are actually sinking and sea level is rising, you can actually put a thin layer of material on top of that marsh and help it keep its head above the area, if you will, and raise maybe some mud flats into a healthy marsh area or just keep a marsh viable and healthy. They apparently do a lot of that down in Louisiana, and it's an interesting concept.

Abandoned mine reclamation. If you go up in Pennsylvania and Western Maryland, all of these coal mines that have been mined years ago and now they're sitting, they're empty, they fill up with rainwater, they release acid lime into the streams. It's a real big problem.

There is a lot of interest in filling these areas back up so that this acidotic water does not leach out into the streams. So maybe we can take some of this material and put it in a mine.

Agricultural soil augmentation. You can mix the dredged material with the in situ agricultural field. Maybe if it's sandy, you can take some of the silty material, you can mix it up, and get a nice loam out of it, or you can maybe mix it with some sanitary sewage, of course, that has been treated, but you get all of those good nutrients. You mix it all together and it makes a nice topsoil.

Lightweight aggregate blocks. This is a concept that has been around, blocks, bricks, where you take material and you literally turn it into something that has a commercial application, whether you make blocks with it, whether you make concrete out of it, or whatever you do with it. And then others. These are

just a few. There are as many ideas as there are people, and we're looking for more.

Let's talk about the DMMP. We talked about dredging, the need for it. We talked about what we can do with material. What are we really doing here with DMMP?

Well, we started last year and we did a preliminary assessment. I'll talk a little bit more about that in a second. We finished it in September. Right now where we are in this little box that says PMP. That's a Corpsism, project management plan. Basically we need to tell our higher authority, our headquarters, how we are going to conduct this study, and that's what the PMP is, and that's one of the things that we're reaching out to you folks tonight asking your help in developing. We will complete that and get it up and start the real dredged material management study this fall.

As part of that study we're going to do a tiered EIS. I'm going to talk a little bit more

about that later. That's an environmental impact statement. The NEPA, the National Environmental Policy Act, this is a document

that we will produce that will conform to NEPA regulations, to the environmental laws that apply. As I said, I will talk a little bit more about that later.

Then we will develop the actual plan in about two years. Once you have a plan, then you know which direction you want to head, and we go on to site specific studies. In other words, if we decide that a certain type of project would be a good thing to do, we'll go out and study and we'll pick the best one. These studies will also have their own NEPA documentation.

This is important. We do not implement a project without appropriate environmental documentation, and by tiered EIS and DMMP what we mean is we're going to do this overall environmental impact statement for the issue of dredged material management for the Port of

Baltimore, and then when we study a specific type of project, it will be because it was recommended in the first EIS, the DMMP EIS.

Then we'll do another EIS, which will harken back, if you will, to the first one, so they link together and you see this progression, and you have an umbrella EIS that said you can study something like this, so you study something like that, and then you develop

another EIS that nails down exactly where you're going to do it, how you're going to do it, what it's going to look like, what goals is it going to accomplish. Then, of course, the implementation and full construction.

This is a never-ending process. We do a DMMP when it is apparent that there is not adequate dredged material placement capacity available, and we are at that point. So as we implement projects, if there arises the need for more, we go back through the DMMP, we update what we've got, and we keep going. Some little

more specifics on what we've already done.

The preliminary assessment that we did studied the capacity that we have for dredged material in the next 20 years, and it identified that there was a shortfall. Right now with the existing sites we cannot handle 20 years' worth of dredging in the Port of Baltimore. In fact, it's estimated five to ten years. This is very problematic because, among other things, if you follow the standard Corps procedure of getting a new project on line, it's going to take around nine to 12, so we're certainly up against the wall here. We need to get moving.

The existing sites will not be efficiently

managed. I want to discuss that for a little bit. When a site opens, say Poplar Island, for example, there was a certain area that can be used to place material. Now, optimally you want to place material in approximately a 3 foot lift. In other words, one dredging season goes by and you've got 3 feet of new material in

there. Because this material when it comes out at the end of a pipe is probably about 85% water and only 15% material, well, a lot of that water runs off very quickly and a lot of it doesn't. Especially your finer grain materials, your silts, your clays, really hold onto that water, and what you want to do is allow this material to dewater and compact as much as possible to efficiently use the site.

If you need to put more than a 3 foot lift or you cannot give proper time for it to consolidate and dewater, the next year rolls around, you throw more material on top, and it hasn't consolidated all the way around, and you've effectively lost capacity.

So right now we do not have enough sites, enough area. Area times depth is volume; right? You need enough area so that you can put a 3 foot lift.

Now, the study itself. The study is

comprehensive in nature. What does that mean?

It means that we're going to consider all of the dredging that goes on, whether it's our dredging, the state's dredging, or private industry's dredging or the county's dredging if it's relevant to this. We will also consider any and all options that are out there. We're not closing our minds to anything yet. It wouldn't be the appropriate thing to do, and in a second I'm going to show you our planning process. We use this for all of our studies. This has not been brought out for DMMP. This is our standard process, and I'll show you that we need to consider the whole world of options.

The tiered environmental impact statement, I talked about that a little bit before. I want to give you an example. By "tiered" we mean -- you can think about it just as tiers. This is an umbrella EIS. It's over all the entire issue of dredged material management, and then we will have separate EISes underneath that to tie into it.

For example, let's say we had a project that was very popular, but the capacity was small; therefore, the price was high, but environmentally this is a great thing. Everybody likes it. If you were to go in and do one single environmental impact statement, we would have a very hard time justifying to our headquarters, which is nationwide -- remember, this is a national perspective; this is not the Port of Baltimore perspective -- we would have a hard time convincing our headquarters and Congress that they should fund this extremely expensive small project when there is a larger cheaper project that's environmentally acceptable out there. The large one even might be environmentally beneficial, but for some reason this small one is great. Everybody loves it.

Well, we didn't want to put all of our eggs in one basket. We want to do the right thing. We are by our regulations to look into

the beneficial use of dredged material first. So if we do this umbrella EIS, maybe we can say these small jobs are worth doing because they're great. We've also got to do some of these big jobs because we need the capacity, and we can also look into these innovative uses. And so you start to categorize.

So now when we do an EIS on that small project, instead of competing against that big project where it can't win, it only needs to compete against similar projects because we've all agreed on the big EIS that a nice mix of projects is the appropriate thing to do.

So that might seem kind of out there. I'm not exactly sure who followed me and who didn't. I know everyone who works with me followed me, but that doesn't matter. But basically this tiering system will allow us to come up with what we believe -- we hope will be a nice balanced mix of dredged material placement.

It's also important that, again all your

eggs in one basket thing, we don't want to have one viable project out there because we're going to end up overloading most of it. What we want is several projects out there so that we can effectively manage because everybody wants that. Nobody wants to waste capacity. I don't care

which side of the dredging issue anybody is sitting on. If there is a site out there, we want all the material that can fit in that site to be in that site. So if you have a very rainy year let's say, maybe by the next dredging season it did not have time to dewater properly. Wouldn't it be nice to have other options where we say let's let that one sit for another year and we'll go do something else.

We want to get to that point where we can use sound logical management. This is not an easy thing. People have been trying to do this for some time, and we're going to try again. Hopefully this time we're going to be successful.

Once again we will continue to actively seek public and agency cooperation, opinion, comment, input not just at the beginning here, not just at the end after it seems like it's a done deal, but throughout we're going to repeatedly having meetings with the agencies. We will have periodic meetings with the public. In fact, we have two more meetings with the public next week on the western shore so we can get closer to where the people happen to be and make it as easy as we can for us.

But our first task and the reason we're here tonight is to establish that plan of study, to nail down exactly how we're going to do this, and to get straight in our minds what the folks want us to look at. What is the interest?

So this is the six-step planning process that has been tattooed on all of our foreheads that I mentioned earlier. We use this for all of our studies, and this is patterned after the National Environmental Policy Act the way it's

written. Since our decision documents, which is any report that justifies a federal project -- our decision documents are in support of a NEPA document, whether it's an environmental assessment for a smaller project or an environmental impact statement for a larger project, and this is what we do. We go out and we sort of pretend that we've parachuted down from the sky and we know nothing. We go out and we look around and we talk to folks, we get opinions, and we decide what are the problems and needs that are out there.

In actuality we didn't drop out of the sky. We do know a lot about the dredging history in the Port of Baltimore, so a lot of this is already known, but we also establish the goals. We establish the objectives and we

establish how we're going to go about doing this. Then we determine the existing conditions, which means several things. In this case first and foremost we have to establish how

much dredging gets done, how much capacity is out there, where do we stand. That's from the functional point of view of navigation. From the environmental point of view we also need to look at what are the existing conditions environmentally. That will greatly affect what types of projects we think would best fit here in the Chesapeake Bay, what type of habitat, what type of material you're dealing with, all of the environmental considerations.

Then we develop alternatives. What can we do with this material? What is the whole world of possibilities? We don't at first narrow down anything because that would bias the results. Then we go in and we really start comparing things and looking at things. Each alternative will be analyzed on its own merit. Now, if someone says here tonight probably to the court reporter why don't we take it all and send it to the moon, we'll write it down. It's going to be there. You're going to dig up our report and go

back to the appendix under public involvement and you're going to see that crazy idea is here. When we analyze that alternative, we'll spend less than a half a second on it and drop it, but it will be considered.

Then once we get down to a manageable number of alternatives, then you really go in and compare the plan at this point. Originally here at the tiered EIS level, the umbrella level, we may not -- in fact, probably will not get down to individual site against individual site. It's going to be more like can this type of project work and this type of project work? Is this one too far out there? Is this one just certainly too expensive or whatever?

Then we will generate our plan and this EIS. By "integrated," that just means the plan and the EIS will come together possibly as one document, possibly as two documents, but it will be done at the same time.

This slide is 100% redundant, but I just

wanted to reinforce that we are here to get public comment, and if the public says no comment, that's a comment, but we're here to listen to you.

So if I covered everything, I'll just look to my folks back there and ask if anyone wants to add something before we open up the floor.

MR. COALSON: Bruce Coalson. When you said "local dredging projects," where do you solicit that information from? I mean do you go to the state for that? Say in Dorchester County we have several creeks that need some dredging work. They have been submitted to the RCD group as being projects identified. Where do you get this information from so you know what local problems, what local dredging needs to be done?

MR. BIERLY: The DMMP is conducted for any harbor that pays into the harbor maintenance trust fund. So Dorchester County projects would likely not be included; however, let me point out that should we build a project down near

Dorchester County and the locals there come up to us and say we would like to put some local material in here, too, that's probably not going

to be a problem.

MR. COALSON: Okay.

MR. BRODERICK: Jack Broderick. The option of open water placement and you mentioned Pooles Island --

MR. BIERLY: Pooles is closing, but it's active right now.

MR. BRODERICK: When is that supposed to close?

MR. BIERLY: 2010.

MR. BRODERICK: Is that still a future viable option after Pooles Island closes? Is that placement option still something that --

MR. BIERLY: Do you mean the concept of open water placement?

MR. BRODERICK: The concept of open water placement in the bay.

MR. BIERLY: I'll make a broad statement

here. This is the federal dredged material management plan; therefore, state law will not impact what this plan says; however, if something is against state law, it's not very likely we're going to be able to do it. That's when the plan hits reality because the state is involved, maybe not in the Inner Harbor dredging, but certainly the outer harbor

dredging.

MR. COYNE: My name is Joe Coyne. I'm just curious if you could explain how you bring in the data that is being gathered by the MPA people in their process, citizens committees and management committees. How do you bring that into your consideration?

MR. BIERLY: You notice I didn't mention the state process. The reason I didn't mention the state process is because I want everyone to understand that our process is fully independent. Having said that, we would be pretty foolish if we threw away all that hard

work. We sit on the committees, the state DMMP. We still call it DNPOP just because otherwise we would drive ourselves mad.

But we sit on those committees. We have all of their data. We have all of the data that they distribute, and we will get more when it's ready. The engineering studies, for example, that they've done, we're definitely going to use all of that. The input that has come from the agencies, we'll definitely use that, too. We're not out to reinvent the wheel, but by the same token we must do our own independent evaluation because, A, we're supporting a NEPA document; B, we need to take the national perspective,

whereas the state takes the state perspective naturally, and there was probably a C there, but I've forgotten it. No one's hard work will be lost, but we are a separate entity, a separate process.

MR. SOSSI: About five years ago I decided to run for the House of Delegates, and we pay

attention when a current delegate will make comments or pronouncements of various things, and, to be honest, I started paying attention to the issue about the dredged spoils as a result of one of those comments where he thought it was a great idea to dump these 18 million cubic yards of dredged spoils because he was going to get a whole dollar a yard for oysters.

So, at any rate, as a result I went to one of the first meetings. It was held over in Anne Arundel County in a school over there, and I have to say I'm always amazed by the state's -- and you're not the state, of course, and maybe that's the difference, but they still outnumbered us, but it was only by one or two, and you can guys can take us on easily with one hand behind your back. But there were three people there, the head of the local Chamber of Commerce, myself, and a gentleman by the name of

Pipkin, the father.

At any rate, the whole idea didn't smell

very good to me, and I have to say I was one of the people to write in in opposition. Dredged spoils means silt, and that's not good for the bay. It's bad for grasses. Of course, E.J. Pipkin got riled up about it and was able to bring new sources and grass roots organizations there. I personally mailed out in my campaign about 20,000 pieces of mail objecting to the project.

What I'm getting at with all of that is there are a lot of us who have a lot of memory of this whole issue, and we're not the lambs that we were when it first started. One of the things that came out clear to us in that process -- a couple of things. One was that it seemed pretty clear to us after a while that it was a done deal. All the protestations to the contrary, we were proven right. It was basically a done deal from that standpoint. Fortunately, people weren't going to put up with it, and they kept fighting, and it was changed.

The other thing I have to tell you is that the Corps did not fare very well in terms of the research concerning the deepening of the C & D Canal. They were proven wrong a couple of times. Their report on the toxicity of the dredged spoils was found to be grossly in error. So it worries me when you say things like probably toxic. I challenge you to go to the Patapsco, catch a fish, and eat it. You won't have to put it on the stove. You can just leave it on the plate. It will cook itself.

MR. BIERLY: People do. I've seen them fishing.

MR. SOSSI: All I'm saying is that any talk or considerations -- I'm not asking about reinventing the wheel. I just don't want you to ignore the wheel. We have been there, and we don't want any type of dumping in the Chesapeake Bay. It's just a bad idea.

MR. BIERLY: Thank you for your comment. Anyone else?

MR. GILL: John Gill, U.S. Fish and Wildlife Service. A real quick question: Is this study just looking at mainstem shipping channels or are you going to consider any of the smaller federally authorized channels?

MR. BIERLY: Do you mean like the local marinas?

MR. GILL: I'm talking like the Knapps Narrows, the Kent Narrows, the Honga River.

MR. BIERLY: No. Once again, like I said before, if we have a project constructed close to those and it becomes an economically viable thing, then potentially they can use the project. For example, Poplar Island right now, only material from certain channels can go to Poplar, but that's because that's the way the cooperation agreement was written. We could write an agreement that says this will also accept from such and such a county or from such and such an area. If appropriate, we may do that. Most of the small projects can't really

afford the distance that it would likely be from there.

MR. GILL: And that's why I'm asking because, as you know, the islands which make up my refuge are a long way from the central area

where you're dredging, and it's really the smaller channels that often lend themselves, but the smaller channels don't generate the dollars that your effort is going to generate. Hence the question.

MR. BIERLY: That's true. I refer you to the thin layer placement discussion we had earlier. If it is considered a good idea by enough people to use some mainstem material, then that can be done.

MR. GILL: That's a long way to haul it.

MR. BIERLY: That is a long way to haul it, which is why I'm not going to say yes, we'll do that. If enough people think it's a good thing to do, and obviously we're not going to get huge capacity out of these either, and then

the corollary to that is are you going to use the material from the small channels to play with.

MR. GILL: Thank you.

MR. BIERLY: You're welcome.

MS. AIOSA: Jennifer Aiosa with the Chesapeake Bay Foundation. I just had a question. The question that I want to ask is you have repeated on a couple of occasions that this process is independent from the state's process, and that while you will use input from

the state's process, you need to make an independent decision on a variety of factors, and so what I wanted to know is how does the Corps go about determining what the dredged material need is?

MR. BIERLY: One of the first tasks of the DMMP will be to establish the need. What I presented to you this evening was the maintenance need. We've taken that from the historic dredging data, and so we felt pretty

comfortable with that and confident in that. We also will do an economic reevaluation of the port.

Having said that, we're currently out there building a project which took an economic evaluation of the port. If the port is viable enough to improve upon, certainly it's viable enough to maintained if it can be maintained relatively cheap to do it; however, that will be done.

What I know you're more concerned about is but what new projects lie out there in the future? We're not naive. We understand that the Corps can't sit still. We've got some really cool pictures back there of the port, and we've got a chronology laid out of what is

happening. If you go back far enough, the port had a 22 foot channel, and by golly that was enough in 1830. It's fine. You have 20 feet of water now and you will get sailboats and that's about it.

So we know there is going to be something out there. What we are going to do -- I can't say that because I don't know what we're going to do. We've floated around some concepts of what we're going to do. Do we take an average number and apply it per year? Do we make some sort of projections? Are there projects that we know about? Maybe. We don't have any federal projects on the burner right now. The last ones are being done right now, so we know what that's going to be.

The state is talking about improvements. Are they going to tell us exactly what they're going to do? No. Competitively that will kill them. They're running a business. We've got to understand that. They're running a business; however, we're going to need to make some estimates and we're going to need to decide what is reasonable and not reasonable. Yes, it's going to have to be considered. I just can't tell you how yet. We need to work on that.

MR. SOSSI: You seem to poo-poo the idea of the recycling -- my comment is it seemed like it was downgrading the importance of recycling material into bricks and other things.

MR. BIERLY: No. In fact, I've heard some really interesting concepts about that, people who think they can get substantial yardage and do something like that with it. On the one hand, I'm all for that. On the other hand, depending on the process, what is the process going to generate? Is it a chemical process with a waste product? Is it an incineration with an air quality issue? So all of these things need to be worked together, but if the output from such a process was acceptably clean and we could take this material a million yards at a time and turn it into lightweight aggregate, which we would then do what we normally do with mined quarry material, I think that would be great.

One thing I will say is you can't bet your

future on something that may or may not be viable, so there is a cautionary side to that. If down the road such a thing is viable economically and physically, then that's great.

Scott, do you want to pipe in here?

MR. JOHNSON: The bottom line right now is we are not aware of a proven technology out there. That's what we're hoping somebody will come forward and say here it is and here is an economically viable, environmentally acceptable, innovative use of the process that you can apply at our port. Great.

MR. SOSSI: As a delegate, the mayor has been pushing that plan and it is an economically viable operating system for years in Germany.

MR. BIERLY: I've heard a little bit about that.

MR. SOSSI: The real concern is the state is supposed to be doing something in the way of capacity, and it doesn't seem like you guys -- you don't like the idea or you seem not to like

the idea or whatever. So there is really not a whole lot -- how long does it take to do studies

to find out that there is a viable option?

MR. BIERLY: Economic viability is an interesting concept because it depends where you are. Economically viable in New York is $60 a cubic yard. That's not economically viable in Baltimore. Economically viable in Germany is extremely expensive because this is a land locked country with rivers flowing through it and the ports are developed all around. What are you going to do with the stuff? You kind of have to do something with it, and so if the price goes up, that's okay. It's worth it.

That having been said, I don't want anyone leaving here thinking that any of these innovative uses are not being taken very seriously by us because I would love to see the future where we have to stop worrying about where we're going to put this stuff and just turn it into something useful and use it. That

would be great.

MR. COYNE: In your plan are you taking into account what I've heard is a tremendous amount of siltation built up in Pennsylvania and the upper watershed in the dams of the Susquehanna? How are you dealing with that?

MR. BIERLY: We're struggling a bit with exactly how to quantify that. It's very

difficult. For those who are not aware, although based on the questions I think I've got a presently well-informed crowd here, the hydroelectric dams on the Susquehanna River, the main branch, Conowingo in Maryland, and another one in Pennsylvania effectively trap about half the sediment that comes down the Susquehanna River. The sediment therefore is not lined up in the bay and potentially in the federal channels that needs to be dredged.

There is only about 15 or 20, 25 years or so give or take of capacity left behind those dams before they fill up and reach a steady

state, in which case all the material that comes down the Susquehanna will go into the bay, effectively doubling the sediment load. Don't take this as factual. Take this as theoretical. Another big problem with the dams is you've got this huge slug of material sitting there. Another Agnes comes down, and a lot of that material gets resuspended and dumped down in one enormous slug. That is a definite problem.

We currently are working -- this year in fact we got the authority to study that problem separately from this effort, and we're currently working with some folks here in Maryland and in

Pennsylvania about scoping out a study of what to do. That study, I've seen some preliminary concepts -- and nothing has been signed, nothing has been agreed upon -- I can say with some certainty that that plan is going to include thinking about ways to keep the material up on the land or at least not let it get down to the mainstem of the Susquehanna, and can we

physically remove some of that material and maintain, if not increase, our capacity. As these dams come closer to the steady state or filled state, they will effectively travel a lower and lower percentage because of the less settling time.

So I haven't gotten to your question. That study should help us to determine what impact those dams in the Susquehanna have on what we're doing right here, but I've got to tell you that's some pretty tricky science, how much of that material ends up where it is. I've sat in a lot of meetings on this topic, and even the experts can't figure it out. There is a thing called a turbidity maximum, blah, blah, blah. Most of it drops out north of there. The sediment from the Susquehanna is generally not felt down to the Bay Bridge or even a bit north of there.

So here is another nonanswer, but we're well aware of it. We're working on the issue,

but how exactly to quantify it I'm not sure.

MR. SOSSI: So it's reasonable to say that part of the mission is preventative. In other words, if you could find a way to keep it from getting into the Susquehanna or coming into the bay --

MR. BIERLY: What I discussed there was just the dams issue. We also have a study, and Steve is heading this one up, to study shoreline erosion in the Chesapeake Bay proper and in fact all the tidal influenced areas and all the tributaries as well to determine what impact is that material having on the aquatic ecosystem and how can we keep as much of that material there as possible. Where are the worst areas? Maybe we can do something in those areas.

This goes well beyond the dredging issue, of course. It's really -- it's a bad grasses issue. Turbidity cuts down on the grasses, et cetera. John can tell you all about a nice project we should have going at Smith Island

fairly soon where we're doing just that. We are halting erosion of land for the express purpose of clarifying the water and allowing bay grasses to grow. We hope to get 1,900 acres out of that.

MR. BRODERICK: I do have a comment I would like to make. I live here on Kent Island. I'm the president of the Kent Island Civic Federation, which is made up of a number of communities throughout Kent Island. We speak out on various issues of concern to Kent Island and our quality of life here.

We were frankly amazed and very disappointed a couple of years ago when we found ourselves here on the island in what seemed like a battle where we kind of pitted the health of the Chesapeake Bay against the Port of Baltimore, and some of the big players here were the Port of Baltimore, the State of Maryland, and the Corps of Engineers.

As Dick said, there really is a public

trust issue here that is still hanging out there. So I just want to say I hope that we have better experiences this go around than we did the last go around on these issues. I applaud your goal statement that mentioned twice that dredged spoils will be placed using environmentally sound measures or in an environmentally sound manner. Again, I think the devil is in the details, what is environmentally sound.

I can recall the disappointment that we had several years ago when we read the Corps' environmental impact statement regarding the proposal for Site 104 when the major argument seemed to be to us the socioeconomic impact of not dredging the port. That really isn't something that I think ought to be part of an environmental impact statement, but that was a major thrust of it.

So we go beyond all of that heartache and that frustration and we realize we have a state

law right now that hopefully will prevent open bay dumping in the future, open water dumping, but let's hope that we can work together in the future in how we do this.

I want to say a couple of things very

strongly in favor of the island restoration approach that you guys are doing. We think that's great. It just makes a lot of sense. Many of us have seen those islands get smaller and smaller, and in some cases some of them around here disappear certainly within our lifetime.

Shoreline protection is also -- shoreline restoration is one that just makes a great deal of sense. In terms of whether or not the birds in the area like those islands and need those islands, I would ask anybody who would ever have the opportunity to go out and look at an existing tiny island not far from here down in Eastern Bay, Bodkin Island. My son and I were by there the other day, and there were somewhere

between probably 500 and 1,000 birds on maybe less than an acre, a tiny island, and they are just crowded in nests on there like these seats are in here.

Those islands are really popular with our birds in the bay. By restoring places like Poplar Island it can only benefit not only the bay, but can benefit the wildlife and habitat in the area. So we applaud that very much. We look forward to a very positive, solid working

relationship with all of you in the future, and we appreciate this opportunity for public comment.

MR. BIERLY: Thank you.

MR. WEST: Doug West, president, Kent Conservation, and I'm a waterman from Kent County.

I would just like to say that since the open water placement appears to be not an option anymore as far as the state is concerned, that I would like to see -- I would like to urge the

Corps to make Poplar Island their base plan placement option, and I think in doing that it would really help encourage the restoration of other islands down the bay. If we had an island up here in the Upper Bay that was eroding as those are, I would be all for working on that, too. People say, well, it's not in your backyard . Well, if it was, I would be right there wanting to get it done. So thanks.

MR. BIERLY: We've actually heard from -- I cannot speak for people in Dorchester County, but there is interest down there in restoring some of those islands. So I certainly believe you when you say it's a it's not in my backyard situation.

You bring up an extremely important point

about this base plan, and I want to explain that a little bit. Once again you're a savvy group; you might know about this.

As part of the study we will establish or re-establish the base plan for dredging. The

base plan is an economic tool. It decides where federal operation and maintenance funding stops and federal project funding begins. If the base plan is overboard dumping, then the government will pay based on that 100% 50/50 slide I had up before -- will pay let's say 100% of what it would cost theoretically to do that. If you're going all the way to Poplar Island, you have got transportation and construction and everything that goes on on the island, and that's a cost, and that cost is shared 75/25 in that case from then on.

So it's federal O & M funding, which could well be 100%. In fact, when we maintain channels in Maryland waters, it is 100% federal O & M. That's just the way it worked out. So up to the base plan it's 100% federal funding, and then the cost sharing starts. So to change the base plan -- the biggest point to make is if you can change the base plan to something that's more expensive, the state cost share is less and

that's a purely economic point of view, but that's what the base plan is all about. Of course, there are two. There is one for clean material and there is one for Inner Habor material, and they're different base plans.

Thank you very much. We will be around for the next few minutes anyway before we hightail it out of here. You're welcome to come up and talk to any one of us. I appreciate it. You can hand in comment cards or you can come up and say something private into the ear of our court reporter. Thank you all very much for coming.

(Whereupon the meeting concluded at 8:10 p.m.)